

United States Bankruptcy Court  
District of New Mexico

In re:  
Fred Dale Van Winkle  
Debtor

Case No. 13-11743-j  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 1084-1

User: admin  
Form ID: bl8

Page 1 of 2  
Total Noticed: 13

Date Rcvd: Aug 26, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 28, 2013.

db +Fred Dale Van Winkle, PO Box 1691, Ruidoso, NM 88355-1691  
3225791 +Brian Van Winkle, P.O. Box 141, La Luz, NM 88337-0141  
3231713 +First National Bank, 414 Tenth Street, Alamogordo, NM 88310-6764  
3225787 +First National Bank of Ruidoso, Attn Officer/Managing or General Agent, 451 Sudderth,  
Ruidoso, NM 88345-6009  
3225788 John and Ellen B. Williams dba Belleview, Valley Land Co. c/o W. T Martin, Jr., PO Box 2168,  
Carlsbad, NM 88221-2168  
3225793 +Richard Hawthorne, Esq., 1221 Mechem Dr. #2, Ruidoso, NM 88345-7224  
3225794 +Roger E. Yarbrow, Esq., PO Box 480, Cloudcroft, NM 88317-0480  
3240899 +Yarbrow & Associates, P.A., P.O. Box 480, Cloudcroft, NM 88317-0480

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

3225789 +EDI: AMEREXPR.COM Aug 27 2013 00:48:00 Amex, P.O. Box 981537, El Paso, TX 79998-1537  
3225790 +EDI: BANKAMER2.COM Aug 27 2013 00:48:00 Bank Of America, Po Box 17054,  
Wilmington, DE 19850-7054  
3225792 EDI: CAPITALONE.COM Aug 27 2013 00:48:00 Cap One, Po Box 85520, Richmond, VA 23285  
3225796 EDI: NMTRD.COM Aug 27 2013 00:48:00 NM Taxation & Revenue Department, PO Box 8575,  
Albuquerque, NM 87198-8575  
3225795 +EDI: WFNBNB.COM Aug 27 2013 00:48:00 Wfnbn/Bealls, Po Box 2974, Mission, KS 66201-1374  
TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 28, 2013

Signature:



District/off: 1084-1

User: admin  
Form ID: b18

Page 2 of 2  
Total Noticed: 13

Date Rcvd: Aug 26, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 26, 2013 at the address(es) listed below:

Clarke C. Coll clarkecoll@gmail.com, nm14@ecfcbis.com  
Clarke C. Coll on behalf of Trustee Clarke C. Coll clarkecoll@gmail.com, nm14@ecfcbis.com  
R Trey Arvizu, III on behalf of Debtor Fred Dale Van Winkle trey@arvizulaw.com,  
polly@arvizulaw.com;eva@arvizulaw.com;office@arvizulaw.com;laptop@arvizulaw.com  
United States Trustee ustpreion20.aq.ecf@usdoj.gov

TOTAL: 4

# United States Bankruptcy Court

District of New Mexico

Case No. 13-11743-j7

Chapter 7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Fred Dale Van Winkle  
PO Box 1691  
Ruidoso, NM 88355

Last four digits of Social Security or other  
Individual Taxpayer-Identification No(s)., (if any):  
xxx-xx-9361

Employer's Tax-Identification No(s)., /Other No(s) (if any):

## DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

### IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11 United States Code (the Bankruptcy Code).

BY THE COURT

Dated: 8/26/13

Robert H. Jacobvitz  
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

## **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### **Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

### **Debts That are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**